

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6, 8, 9, 10, 11, and 17 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-24 are now pending in this application.

CLAIM REJECTIONS – 35 U.S.C. § 112

In section 2 of the Office Action, the Examiner rejected Claims 6, 11, and 17 under 35 U.S.C. § 112 because there was insufficient antecedent basis for the limitation “the estimated position” and that there was a need for a comparative element in the claims. Applicant has respectfully submitted amended Claims 6, 11, and 17 to comply with the Examiner’s suggestions. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112 of Claims 6, 11, and 17 be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 103

In section 2 of the Office Action, the Examiner rejected Claims 1-5, 7-10, 12-16, and 18-24 under 35 U.S.C. § 103(a) as being unpatentable over Parry (U.S. Patent Publication No. 2002/0164997) in view of Aarnio (U.S. Patent Publication No. 2003/0087650).

Applicant respectfully traverses these rejections. Each of the rejections relies in part on the use of Parry. However, the Applicant submits that Parry is unavailable as a prior art reference against Claims 1-5, 7-10, 12-16, and 18-24 of the present application.

A Declaration by the inventor pursuant to 37 C.F.R. § 1.131 has been provided herewith, which provides evidence that the subject matter recited in Claims 1-5, 7-10, 12-16, and 18-24 was invented prior to the filing date of Parry. Parry was filed on May 7, 2001 as U.S. Patent Application No. 09/850,503.

The Declaration establishes that the subject matter recited in Claims 1-5, 7-10, 12-16, and 18-24 was conceived at least by January 30, 2001. Attachments to the Declaration include various information that establishes that the subject matter recited in Claims 1-5, 7-10, 12-16, and 18-24 was conceived by the inventor at least by January 30, 2001, which is before the May 7, 2001 filing date of Parry.

Accordingly, the Applicant submits that Parry is unavailable as a prior art reference against Claims 1-5, 7-10, 12-16, and 18-24 of the present application, and therefore respectfully requests that rejection of Claims 1-5, 7-10, 12-16, and 18-24 be withdrawn.

It is submitted that each outstanding objection and rejection to the application has been overcome and that the application is in condition for allowance. Claims 1-24 will be pending in this application. The Applicant requests reconsideration and allowance of all pending Claims 1-24.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § .136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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